



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

June 6, 2013

Brian G. Stewart, President
Jervis B. Webb Company
34375 W. 12 Mile Road
Farmington Hills, MI 48331

Re: Supplemental Request for Information Pursuant to CERCLA Section 104(e);
Jervis B. Webb Co. Superfund Site

Dear Mr. Stewart:

As you are aware, the United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances at the Jervis B. Webb Co. Superfund Site ("Site"), which is located at 9301 Rayo Avenue and 5030 Firestone Boulevard in South Gate, California. On October 4, 2011 EPA issued an Information Request to you regarding the Site and EPA has reviewed your responses dated March 15 and March 22, 2012. At this time, we would like to request certain additional information based on our review of your response. We appreciate your cooperation with this request.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601-9675, as amended ("CERCLA" or "Superfund"), authorizes EPA to investigate and, if necessary, take action to protect human health and the environment at locations where there has been a release or threat of a release of a hazardous substance to the environment. Section 104(e) of CERCLA authorizes EPA to require persons with information related to hazardous substances releases to provide such information.

EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- The nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a vessel or facility.
- The ability of a person to pay for or perform a cleanup.

We encourage you to give this request for information your immediate attention. Instructions on how to respond to the questions are provided in Enclosure A. Your response to this letter should be made in writing, signed by you or your duly authorized representative, and returned to EPA within thirty (30) calendar days of your receipt of this letter. You may provide your response and attachments electronically in Adobe Portable Document Format ("PDF") and deliver them to EPA by CDROM or through E-Mail, but you must mail a signed hardcopy of the letter portion with your responses to the EPA.

Your compliance with this request is mandatory. Pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e), you must respond completely and truthfully to all questions contained in Enclosure B to this letter. Please be further advised that 18 U.S.C. §1001 provides for criminal penalties for the provision of false, fictitious or fraudulent statements or representations. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. Section 9604(e)(5). The CERCLA statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

EPA understands that you may consider some of the requested information confidential. You may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including providing support for your claim of confidentiality.

If you have information about other persons who may have information which could assist the Agency in its investigation, that information should be submitted within the timeframe noted above.

Please note that this request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response to this request for information should be mailed within thirty (30) calendar days following receipt of this letter to:

Carl Brickner
Civil Investigator
8th Floor, Mail Stop SFD-7-5
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
Email: Brickner.Carl@epa.gov

If you have questions regarding this Information Request, please contact Carl Brickner at (415) 972-3814, or by email at Brickner.Carl@epa.gov. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Karen Jurist at (415) 972-3219, or by email at Jurist.Karen@epa.gov. Please direct any legal questions to Jim Collins at (415) 972-3894 or by email at Collins.Jim@epa.gov.

We appreciate your response to this Information Request, and look forward to cooperatively working with you on these matters.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore". The signature is written in dark ink and is positioned above the printed name and title.

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Electronic Formats. Documents supporting your responses may be provided electronically in Adobe Portable Document Format ("PDF"), or preferably, searchable PDF (e.g., Optical Character Recognition ("OCR") PDF). If you choose to submit documents supporting your responses electronically, you must still provide a signed hardcopy of your response to each question.
3. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
4. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
5. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
6. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
8. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested,

pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

10. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control
California Environmental Protection Agency

Regional Water Quality Control Board
California Environmental Protection Agency

Toeroek Associates, Inc.
EPA Contract Number EP-BPA-11-W-001

Science Applications International Corporation
(subcontractor under Toeroek Associates, Inc.)
EPA Contract Number EP-BPA-11-W-001

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

Toeroek Herndon Joint Venture
EPA Contract Number EP-R9-12-02

ITSI, Inc.
EPA RAC Contract Number EP-S9-08-03

Techlaw
EPA ROC Contract Number EP-W-07-066

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

11. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term **"you"** or **"Respondent"** should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents. The term "your" shall mean the possessive form of "you" so-defined.
2. The term **"person"** shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term **"document"** includes any written, drawn, typed, recorded, computer-generated, or photographically reproduced material of any kind in any medium in your possession, custody or control, otherwise available to you or known by you to exist; including originals, all drafts, final, and all non-identical copies. Examples of documents include but are not limited to letters; written notes; reports; photos; emails; facsimile transmissions; microfiche, correspondence; marketing documents, reports and data; documentation of internal inventories; purchases, purchase requisitions, and purchase orders; documentation of bills and accounting; invoices and other transaction records; purchase requisitions; shipment documentation and manifests; diagrams, charts, maps, and figures; retained correspondence; property title and deeds; leases and contracts; articles of incorporation; local, state or federal permits to operate, or to store, generate, transport, or dispose of hazardous substances, chemical raw materials and chemical intermediates, chemical products, mixtures; process chemicals; and chemical wastes; and any other documents responsive to the request.
4. The term **"waste"** or **"wastes"** shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
5. The term **"hazardous waste"** shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term **"hazardous substance"** shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
7. The term **"release"** has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
8. The term **"pollutant or contaminant"** shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.

9. The term "**materials**" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
10. The term "**Company**" shall include any business entity formed of one or more individuals to conduct business in the state of California or any other state, and shall include and not be limited to corporations, partnerships, sole proprietorships, limited liability companies and any other business entity.
11. The term "**Facility**" shall mean BOTH properties located at 9301 Rayo Avenue, South Gate, CA and 5030 Firestone Blvd., South Gate, CA.
12. **Undefined Terms.** All terms not defined herein shall have their ordinary meaning unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq., in which case the statutory definitions shall apply.

ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Jervis B. Webb Company ("Webb"), and/or any of its predecessor or related entities, concerning certain real property located in South Gate, CA (the "Property"). For purposes of this Request for Information, "Property" shall be defined as including the following: a) 9301 Rayo Avenue, South Gate, CA; and b) 5030 Firestone Blvd, South Gate, CA. This Information Request is not limited to Webb, rather, it governs operations of any and all companies which have operated at the Property and which are, or were, in any way related to Webb (i.e., predecessors, parent companies, subsidiaries, etc.). Moreover, this Information Request governs operations of all of Webb and its predecessors or related entities, regardless of the name or names (i.e., fictitious business names, former names used by Webb, etc.) used by such entities during operations at the Property. Therefore, you must respond to each question below on behalf of Webb and any of Webb's related entities, regardless of whether a question specifically references Webb and its related entities, or references Webb solely. Lastly, in the event that you have information concerning one parcel mentioned above, but not both parcels (i.e., 9301 Rayo Avenue but not 5030 Firestone Blvd.), then: a) you must provide all information concerning such parcel; and b) you must explicitly state which parcel you are addressing in each response where you address only one parcel.
2. With respect to Question 52 in the October 4, 2011 104(e) Request, provide a list of employees who had knowledge of the use and disposal of hazardous substances at the Property during the entire time period that Webb, or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents, was associated with this Property. For each employee listed, provide the following information: a) the employee's full name; b) the employee's current or last known address(es) and telephone number(s), including the last known date on which you believe each address and telephone number was current; c) the employee's Social Security Number; d) identify the entire time period that the employee worked at the Property; and e) the position(s) the employee held with each business entity during his or her entire period of employment at the Property and the year or years that the employee held each listed position. Please note that your March 15, 2012 response did not answer this question adequately.
3. Provide documents stamped WCAL-00171 to WCAL-00175. Please note that these pages in the Volume 1 binder of WCAL-stamped documents provided with your March 15, 2012 response were missing. The relevant document, an Accountant's Opinion, appears to be missing Exhibit A (Balance Sheet, December 31, 1961 and 1960), Exhibit B (Statement of Income and Earned Surplus for the Years Ended December 31, 1961 and 1960), and a supplement schedule for the years ending December 31, 1961 and 1960, Schedule I (Sales and Costs of Sales).
4. Provide copies of the Chart of Accounts for Webb and Jervis B. Webb Company of California ("Webb California") for the period 1992 through 2004.

5. Provide copies of all federal and state income tax returns for Webb and Webb California, including all supporting statements filed in association with the income tax returns for the period 1992 through 2004.
6. Provide copies of the consolidation accounting work papers for Webb and Webb California for the period 1992 through 2004.
7. Provide copies of records of any and all payments in excess of \$50,000.00 from Webb California to Webb, including payments made on behalf of Webb California by other parties for the period 1985 through 2004.
8. Provide copies of records for any liabilities of or claims in excess of \$50,000.00 made against Webb California satisfied or assumed by Webb for the period 1949 to present along with supporting documents detailing such liabilities or claims.
9. Provide copies of the general ledger audit reports for Webb California and Webb, referenced in the March 28, 2013 Declaration of Freshour submitted to EPA, for the period 1992 through 2004.

IMPORTANT!

FedEx is closely monitoring Tropical Storm Andrea. Learn More



546221780407

Ship (P13) date:
Thur 6/06/2013 3:55 pm
Oakland, CA, US



Actual Delivery:
Fri 6/07/2013 9:24 am
FAIRMINGTON HILLS, MI, US

Let us tell you when your shipment arrives. Sign up for delivery notifications.

Travel History

Date/Time	Activity	Location
+ 6/07/2013 - Friday		
9:24 am	Delivered	FAIRMINGTON HILLS, MI
9:41 am	On FedEx vehicle for delivery	FAIRMINGTON, MI
7:45 am	At local FedEx facility	FAIRMINGTON, MI
5:23 am	At destination sort facility	ANN ARBOR, MI
5:10 am	Departed FedEx location	MICHIGAN
+ 6/06/2013 - Thursday		
7:25 pm	Shipment information sent to FedEx	
3:55 pm	Picked up Tendered at FedEx Office	OAKLAND, CA

Local Scan Time

Shipment Facts

Tracking number	546221780407	Service	FedEx Priority Overnight
Weight	5.5 lbs	Signature services	Direct signatures required
Delivered To	Shipping/Recording	Total pieces	1
Total shipment weight	0.5 lbs / 0.2 kg	Shipper reference	9001-006
Packaging	FedEx Envelope	Special handling section	Deliver Weekday, Direct Signature Required

Ref: 9001-006
Dep:

Date: 06 Jun 13
Wgt: 1.00 LBS

DV:

SHIPPING: 5.18
SPECIAL: 3.33
HANDLING: 0.00
TOTAL: 8.51

SVN: PRIORITY OVERNIGHT DSR
TRK: 5462 2178 0407